



DAVID BURCHARD
CHAPTER 13 TRUSTEE
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Signed: June 19, 2017

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
ALAN JAROSLOVSKY U.S. Bankruptcy Judge

In re:

CATHY M DIVODI

Case No.: 17-1-0185AJ13

Debtor(s)

ORDER CONFIRMING CHAPTER 13 PLAN

After a hearing on June 14, 2017, and it appearing that the Chapter 13 Plan in this case meets the requirements of § 1325(a) of the Bankruptcy Code,

IT IS ORDERED that the Plan dated March 15, 2017 is confirmed.

PROVIDED HOWEVER, that notwithstanding anything to the contrary in said plan:

1. Any provision of the plan purporting to discharge a debt is not approved. No debt subject to exception from discharge pursuant to § 523 of the Bankruptcy Code shall be adjudicated to be discharged or not discharged except in an adversary proceeding.

2. No lien on real property shall be removed, avoided, or extinguished, except by adversary proceeding pursuant to FRBP 7001(2) or contested matter pursuant to FRBP 3012.

3. With the sole exception of the valuation of a claim secured by personal property, a proof of claim shall supersede any plan provision purporting to limit or disallow a claim.

1 4. Any incorporation into the plan of any guideline or general order, including, without limitation,
2 the Mortgage Modification Mediation Program, is not approved.

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4 5. Any provision of the plan purporting to call for postpetition mortgage payments at anything
5 other than the full amount due shall be deemed to be a proposal to make lesser payments which the
6 creditor may accept without prejudice to all of its legal rights.

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9 **IT IS FURTHER ORDERED**, except insofar as inconsistent with anything above:

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11 a) Plan payments shall be \$2,250.00 for 12 months, followed by \$3,250.00 for the remaining 48
12 months of the plan, for a total plan base of \$183,000.00.
- 13 b) IRS shall be paid the priority amount of \$91,835.83, pursuant to priority proof of claim
14 number 3, filed on May 31, 2017.
- 15 c) Attorney fees for debtor's counsel are allowed in the amount of \$3,800.00, of which
16 \$1,600.00 has been received. The remaining balance of \$2,200.00 shall be paid through the
17 plan with the fixed monthly payment as "pro rata."

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19 Concurred as to special provisions content

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21 /s/ EVAN LIVINGSTONE
22 EVAN LIVINGSTONE
23 Attorney for Debtor(s)

24 /s/ LILIAN G. TSANG
25 LILIAN G. TSANG
26 Attorney for David Burchard, Chapter 13 Trustee

27
28 ****END OF ORDER****

COURT SERVICE LIST

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